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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bernhard Albicker **GROUP:** 2685
SERIAL NO: 09/758,552 **EXAMINER:** Sonny Trinh
FILED: January 11, 2001
FOR: APPARATUS AND METHOD FOR
AUTOMATICALLY FINDING A RADIO PROGRAM [as amended]

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)

The undersigned requests revival of the above identified unintentionally abandoned application.

When the application was filed on January 11, 2001 the undersigned submitted a non-publication request with the above identified application.

While reviewing the application today in response to a telephone call with Examiner Trinh of the USPTO regarding claim dependencies, the undersigned noticed that the application had been filed with a signed non-publication request. However, there is a related German application that has been published. The related German application, DE 199 49 250 was filed on October 13, 1999. Although the present application does not claim priority to German application DE 199 49 250, the invention described in DE 199 49 250 appears to be similar to the invention of the present

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited on May 30, 2006 with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah L. Henry
Sarah L. Henry

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application. Therefore, there was indeed an application pending in another country that requires publication at eighteen months after filing, contrary to the signed statement in the non-publication request filed with the above identified application. Accordingly, the undersigned understands that the present application may be considered abandoned under 35 U.S.C. §113(c).

The applicant hereby requests revival of the present application, if indeed considered abandoned, since the present application may be deemed abandoned under 35 U.S.C. §113(c) since the non-publication request was filed with the present application. The entire delay in filing a response to the possible latent abandonment of this application has been unintentional.

Revival of this unintentionally abandoned application (if deemed abandoned per 35 U.S.C. §113(c)) is respectfully requested.

A check in the amount of \$1,500 is enclosed herewith along with a Rescission of Previous Nonpublication Request

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick O'Shea". The signature is written in dark ink and is positioned above a horizontal line.

Patrick J. O'Shea
Reg. No. 35,305
O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
(413) 731-3100, Ext. 102